

**Introduced by Senator Ducheny**

February 16, 2005

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An act to add Chapter 2 (commencing with Section 14005), to add Chapter 3 (commencing with Section 14010), to add Chapter 4 (commencing with Section 14200), to add Chapter 5 (commencing with Section 14500), and to add Chapter 6 (commencing with Section 14600) to Division 7 of, to repeal Division 8 (commencing with Section 15000) of, and to repeal and add Section 14000 of, the Unemployment Insurance Code, relating to job training.

LEGISLATIVE COUNSEL'S DIGEST

SB 293, as introduced, Ducheny. Workforce Training Act: education, training, and investment.

The federal Workforce Investment Act of 1998 provides for workforce investment activities, including activities in which states may participate. Existing law contains various programs for job training and employment investment, including work incentive programs, as specified.

This bill would restructure and revise those provisions relating to the state administration of, and educational services under, the federal Workforce Investment Act of 1998 by a California Workforce Investment Board.

This bill expresses the Legislature's intent to enact provisions establishing a coordinated system for economic and workforce data collection, analysis, and dissemination.

This bill would restructure those provisions relating to state workforce investment boards and local workforce investment boards, with respect to various local workforce investment board workforce development programs. This bill would provide certain job security

protections for state employees affected by the reorganization of workforce development programs, as specified.

Existing law requires various local job training plans to be prepared by local education agencies and counties with respect to welfare-to-work programs, as specified.

This bill would authorize a unified local plan prepared by the local workforce investment board to be submitted instead of the individual local plans. This bill, by imposing duties on local government with respect to the implementation of these local programs, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 14000 of the Unemployment Insurance
- 2 Code is repealed.
- 3 ~~14000. (a) The Legislature finds and declares that California~~
- 4 ~~should deliver comprehensive workforce preparation services to~~
- 5 ~~jobseekers, students, and employers through a system of one-stop~~
- 6 ~~career centers.~~
- 7 ~~(b) Universal access to services should be available to~~
- 8 ~~residents of the state regardless of income, education,~~
- 9 ~~employment barriers, or other eligibility requirements, to the~~
- 10 ~~extent allowed by the federal Workforce Investment Act (29~~
- 11 ~~U.S.C. Sec. 2801 et seq.).~~
- 12 ~~(c) Given California's diverse population, each one-stop career~~
- 13 ~~center should have the capacity to provide the appropriate~~

1 ~~services to the full range of languages and cultures represented in~~  
2 ~~the community served by the one-stop career center.~~

3 SEC. 2. Section 14000 is added to the Unemployment  
4 Insurance Code, to read:

5 14000. (a) The Legislature finds and declares that, in order  
6 for California to remain prosperous and globally competitive, it  
7 needs to have a highly skilled workforce.

8 (b) The Legislature recognizes all of the following:

9 (1) California must transform its current job training, job  
10 placement, and vocational education programs into an integrated,  
11 accessible, and accountable workforce development system that  
12 can effectively serve job seekers, students, and employers.

13 (2) California's workforce development program must provide  
14 lifelong learning for all Californians, promote selfsufficiency,  
15 link education and training to economic development, and  
16 prepare California to successfully compete in the global  
17 economy.

18 (3) The programs described in paragraphs (1) and (2) must be  
19 accessible to all Californians, including persons with an  
20 economic, physical, or other barrier to employment.

21 SEC. 3. Chapter 2 (commencing with Section 14005) is added  
22 to Division 7 of the Unemployment Insurance Code, to read:

23  
24 CHAPTER 2. DEFINITIONS AND SEVERABILITY  
25

26 14005. For purposes of this division:

27 (a) "Board" shall mean the California Workforce Investment  
28 Board.

29 (b) "Agency" means the Labor and Workforce Development  
30 Agency.

31 (c) "Workforce Investment Act of 1998" means the federal act  
32 enacted as Public Law 105-220.

33 14006. The provisions of this division are severable. If any  
34 provision of this division or its application is held invalid, that  
35 invalidity shall not affect other provisions or applications that can  
36 be given effect without the invalid provision or application.

37 14007. Each provision of this division shall remain in effect  
38 unless the United States Secretary of Labor determines that any  
39 provision of this division or its application is not in conformity  
40 with the requirements of federal law, at which time only those

1 provisions of this division that are not in conformity with federal  
2 law shall be repealed.

3 SEC. 4. Chapter 3 (commencing with Section 14010) is added  
4 to Division 7 of the Unemployment Insurance Code, to read:

5  
6 CHAPTER 3. STATE RESPONSIBILITIES

7  
8 Article 1. California Workforce Investment Board

9  
10 14010. The California Workforce Investment Board is the  
11 body responsible for the development, oversight, and continuous  
12 improvement of California's workforce development system.

13 14011. The board shall be independent of any existing state  
14 agency and shall report, through its executive director, to the  
15 Secretary of the Labor and Workforce Development Agency. The  
16 board shall provide assistance to the Education and Workforce  
17 Council, established pursuant to Section \_\_\_\_ of the Education  
18 Code, with respect to the alignment of the state's education and  
19 workforce preparation system to the needs of the state's  
20 economy.

21 14012. The board shall be composed of \_\_\_\_ members,  
22 appointed by the Governor, that are comprised of representatives  
23 from the following categories:

24 (a) (1) A majority of the board members shall be  
25 representatives of business that reflect the employment  
26 opportunities within the state. At least one representative of  
27 business shall be a private sector member of the California  
28 Economic Strategy Panel created pursuant to Section 15570.10 of  
29 the Government Code. Representatives of business shall include  
30 both small and large employers and employers with experience in  
31 labor and management relations. As used in this paragraph,  
32 "small employer" means an employer of 50 or fewer, and "large  
33 employer" means an employer of more than 50 employees.

34 (2) Business representatives shall be appointed by the  
35 Governor to the board based upon nominations received from  
36 business and trade organizations located within this state.

37 (3) Business representatives appointed by the Governor to the  
38 board shall be owners of businesses, chief executives or  
39 operating officers of businesses, and other business executives or

1 employers with optimum policymaking or hiring authority,  
2 including members of local investment boards.

3 (b) Chief elected officials of cities and counties that are  
4 appointed to the board by the Governor shall be nominated by  
5 organizations representing elected officials of cities and counties.

6 (c) Representatives of labor organizations that are appointed to  
7 the board by the Governor shall have been nominated by state  
8 labor federations. At least 15 percent of board members shall be  
9 representatives of labor organizations.

10 (d) Representatives of individuals and organization that have  
11 experience and expertise in youth services that are appointed to  
12 the board by the Governor shall include at least one  
13 representative from a local public school district, community  
14 college district, or county office of education with expertise in  
15 developing school-to-career programs.

16 (e) The Governor shall appoint to the board representatives of  
17 individuals and organizations that have experience and expertise  
18 in the delivery of workforce investment activities serving diverse  
19 client populations, especially those with barriers to employment,  
20 including representatives of community-based organizations  
21 nominated by statewide community and nonprofit organizations,  
22 and a representative of private postsecondary institutions  
23 nominated by a statewide trade association.

24 (f) The Governor may appoint a single member to the board to  
25 represent multiple constituencies on the board.

26 (g) In making appointments to the board, the Governor shall  
27 consider the ethnic, race, gender, and geographic distribution of  
28 the state's population.

29 14013. The board shall do all of the following:

30 (a) Promote the development of a well-educated and highly  
31 skilled workforce.

32 (b) Provide oversight and make recommendations for  
33 continuous improvement of workforce investment programs and  
34 services, including the development of linkages to ensure  
35 coordination and unnecessary duplication among programs and  
36 activities and to ensure the achievement of performance  
37 standards.

38 (c) Develop guidelines for the operation of the one-stop center  
39 system, including:

40 (1) Developing criteria for certification of one-stop centers.

1 (2) Developing policy to guide the one-stop system.

2 (3) Providing oversight and technical assistance for the  
3 continuous improvement of the one-stop system.

4 (4) Reviewing and evaluating each partner agency's  
5 contribution to the one-stop system.

6 (5) Developing confidentiality guidelines for the one-stop  
7 system.

8 (d) Develop, pursuant to Section 14020, a California  
9 Workforce Plan and a single state plan as required by the  
10 Workforce Investment Act of 1998, review other related  
11 workforce development plans for consistency with the plans, and  
12 send recommendations to other governing bodies for aligning  
13 those other related plans with the California Workforce Plan.

14 (e) Develop, operate, and recommend measures for the  
15 continuous improvement of the system and provide the  
16 performance data required by the Workforce Investment Act of  
17 1998.

18 (f) Coordinate the negotiation of state and local performance  
19 measures and prepare, and submit to the Secretary of Labor an  
20 annual report on the state's progress in achieving those state  
21 performance measures for activities specified in Title I of the  
22 Workforce Investment Act of 1998. It is the intent of the  
23 Legislature that the unique characteristics of clients be taken into  
24 account when developing performance measures.

25 (g) Prepare an overview of workforce preparation program  
26 funding to be included as part of the Governor's annual proposed  
27 budget.

28 (h) Designate local workforce investment areas as required by  
29 the Workforce Investment Act of 1998.

30 (i) Develop allocation formulas to local workforce investment  
31 areas for the distribution of funds for adult employment and  
32 training activities and youth activities as specified by the  
33 Workforce Investment Act of 1998.

34 (j) Review and approve local workforce investment plans.

35 (k) Provide policy development, oversight, and coordination  
36 of a statewide system for economic and workforce data  
37 collection, analysis, and dissemination that meets the  
38 employment statistics system requirement of the Workforce  
39 Investment Act of 1998. That system shall be developed in  
40 conjunction with, and shall utilize to the fullest extent possible,

1 the Employment Development Department's existing labor  
2 market information systems.

3 (l) Apply, as appropriate, after consultation with local  
4 workforce investment boards, for workflex and waiver authority  
5 provided for in the Workforce Investment Act of 1998.

6 (m) Develop performance criteria for local workforce  
7 investment boards to use in creating a list of eligible training  
8 providers. To the greatest extent permitted by federal law, the  
9 performance criteria shall be consistent with and coordinated  
10 with information provided to other state entities, including, but  
11 not limited to, the Bureau for Private Postsecondary and  
12 Vocational Education.

13 (n) Develop state guidelines for use of individual training  
14 accounts, including procedures for making progress payments,  
15 limitations on dollar amount and duration, and policies and  
16 procedures for exceptions to using individual training accounts.

17 (o) Develop policy on statewide strategic training investments  
18 for the Governor's 15 percent discretionary funds and make  
19 recommendations on project funding.

20 (p) Develop policy on the use of 25 percent funds as  
21 authorized under the Workforce Investment Act dislocated  
22 worker provisions.

23 14015. Members of the board may receive up to one hundred  
24 dollars (\$100) for each day's actual attendance at meetings and  
25 other official business of the board, not to exceed three hundred  
26 dollars (\$300) per month, and shall receive their necessary and  
27 actual expenses incurred in the performance of their official  
28 duties.

## 30 Article 2. State Planning

31  
32 14020. The California Workforce Investment Board, in  
33 collaboration with the Board of Governors of the California  
34 Community Colleges, the State Board of Education, and the  
35 appropriate state agencies engaged in workforce development  
36 shall develop a California Workforce Plan to serve as a  
37 framework for the development of public policy, fiscal  
38 investment, and operation of all state labor exchange, workforce  
39 education, and training programs. The California Workforce Plan  
40 shall also serve as the framework for the development of a single

1 state plan or unified state plan for federal reporting purposes. The  
2 plan shall be updated at least every five years.

3 14024. On or before \_\_\_\_ the board shall make a  
4 recommendation to the Governor and the Legislature on the  
5 feasibility of submitting a state unified plan for federal  
6 compliance purposes for the following activities and programs:

7 (a) Secondary and postsecondary vocational education  
8 programs authorized under the Carl D. Perkins Vocational  
9 Technology Education Act.

10 (b) Activities authorized under the Carl D. Perkins Vocational  
11 Technology Education Act.

12 (c) Programs authorized under Section 6(d) and Section 6(o)  
13 of the federal Food Stamp Act of 1977.

14 (d) Activities authorized under Chapter 2 of Title II of the  
15 Federal Trade Act of 1974.

16 (e) Programs authorized under the federal Wagner-Peyser Act.

17 (f) Programs authorized under Title 1 of the federal  
18 Rehabilitation Act of 1973.

19 (g) Activities authorized under Chapter 41 of Title 38 of the  
20 United States Code.

21 (h) Programs authorized under state unemployment  
22 compensation laws.

23 (i) Programs authorized under Part A of Title IV of the federal  
24 Social Security Act.

25 (j) Programs authorized under Title V of the federal Older  
26 Americans Act of 1965.

27 (k) Training activities carried out by the federal Department of  
28 Housing and Urban Development.

29 (l) Programs authorized under the federal Community Services  
30 Block Grant Act.

31 SEC. 5. Chapter 4 (commencing with Section 14200) is added  
32 to Division 7 of the Unemployment Insurance Code, to read:

33  
34 CHAPTER 4. LOCAL SERVICE DELIVERY

35  
36 Article 1. Local Workforce Investment Board

37  
38 14200. (a) The chief local elected officials in a workforce  
39 development area may form, pursuant to guidelines established  
40 by the board, a local workforce investment board to plan and



1 oversee the delivery of all workforce preparation programs in the  
2 local area.

3 (b) The relationship between the local workforce investment  
4 board and the local elected official shall be contained in a written  
5 agreement that describes the partnership and mutual roles and  
6 responsibilities.

7 (c) The local workforce investment board and the local elected  
8 official shall develop the content of the written agreement and  
9 shall include the method for appointment of the director of the  
10 local workforce investment board.

11 14201. Local workforce investment boards shall be  
12 established in each local workforce investment area of the state  
13 for the purpose of planning, oversight, and evaluation of all  
14 workforce development services in the workforce investment  
15 area. The local board shall ensure effective outcomes consistent  
16 with statewide goals, objectives, and negotiated local  
17 performance standards. Local boards shall ensure that their plans  
18 and activities address workforce needs where economic regions  
19 encompass more than one local workforce area.

20 14202. Membership of each local workforce investment board  
21 shall include:

22 (a) (1) Representatives of business in the local area appointed  
23 from among individuals nominated by local business  
24 organizations and trade associations and that reflect employment  
25 opportunities of the local area. Business representatives shall be  
26 owners of businesses, chief executives, or operating officers of  
27 businesses or other business executives, including human  
28 resources executives, or employers with optimum policymaking  
29 or hiring authority.

30 (2) Representatives of business shall include both small and  
31 large employers.

32 (3) (A) “Small employer” means an employer of 50 or fewer  
33 employees.

34 (B) “Large employer” means an employer of more than 50  
35 employees.

36 (b) Representatives of local educational entities, including  
37 representatives of local educational agencies, local school boards,  
38 entities providing adult education and literacy activities, public  
39 and private postsecondary educational institutions, selected from  
40 among individuals nominated by regional or local education

1 agencies, institutions, or organizations representing local  
2 educational entities, and statewide trade organizations.

3 (c) A minimum of three representatives of labor organizations  
4 nominated by local labor federations, including a representative  
5 of an apprenticeship program.

6 (d) Representatives of local community-based organizations  
7 nominated by statewide community and nonprofit organizations,  
8 including organizations representing individuals with disabilities  
9 and veterans, and organizations that serve populations with  
10 barriers to employment, such as the economically disadvantaged,  
11 youth, farmworkers, homeless, and immigrants.

12 (e) Representatives of economic development agencies,  
13 including private sector economic development entities.

14 (f) Representatives of each of the one-stop partners.

15 14203. Membership of local boards may include other  
16 individuals or representatives of entities as the local elected  
17 official in the local area may determine to be appropriate. In  
18 making appointments to the local board, the local elected official  
19 shall consider the ethnic, gender, racial, and geographic  
20 population distribution of the local area. A single member of the  
21 local board may be appointed to represent multiple constituencies  
22 on the local board.

23 14204. A majority of the members of the local board shall be  
24 representatives of businesses in the local area.

25 14205. The local board shall elect a chairperson for the local  
26 board from among the business representatives.

27 14206. It shall be the duty of the local board to do all of the  
28 following:

29 (a) Coordinate workforce investment activities in the local  
30 area with economic development strategies.

31 (b) Promote participation of private sector employers in the  
32 local workforce investment system.

33 (c) Develop and submit a local workforce investment plan to  
34 the Governor.

35 (d) Select one-stop operators, review annually the one-stop  
36 budgets including each partner's contribution, and report  
37 annually to the state board on each partner's contribution.

38 (e) Award grants or contracts to eligible providers of youth  
39 activities in the local area on a competitive basis, based upon the  
40 recommendations of the youth council.

1 (f) Identify eligible providers of training services.

2 (g) Identify eligible providers of intensive services and  
3 awarding contracts to those providers.

4 (h) Develop local policy on the amount and duration of  
5 individual training accounts based upon the market rate for local  
6 training programs.

7 (i) Develop a budget for the purpose of carrying out the duties  
8 of the local board.

9 (j) Conduct program oversight over workforce investment  
10 funds in the local area.

11 (k) Enter into a written agreement with the chief local elected  
12 official that describes the roles and responsibilities of each party.

13 (l) Negotiate with the chief elected official in the local area  
14 and the Governor on local performance measures for the local  
15 area.

16 (m) Assist in the development of a statewide employment  
17 statistics system, which shall be developed in conjunction with  
18 and shall utilize to the fullest extent possible, the Employment  
19 Development Department's labor market information system.

20 (n) Develop a grievance system for the customers of the  
21 one-stop delivery system.

22 14207. The local board, in order to carry out its functions:

23 (a) Shall prepare and approve a budget for itself.

24 (b) May hire staff, contract for staff services from appropriate  
25 state agencies, and incorporate, solicit, and accept contributions  
26 and grant funds from other sources.

27 (c) Shall not provide training services unless the Governor  
28 grants a written waiver of this provision.

29 (d) Shall not provide other workforce investment services or  
30 be designated as a one-stop operator without the agreement of the  
31 chief local elected official and the Governor.

32 14208. A youth council shall be established as a subgroup  
33 within each local board, appointed by the local board in  
34 cooperation with the chief local elected official. Youth council  
35 membership shall conform with the requirements of the  
36 Workforce Investment Act of 1998.

37 14209. It is the intent of the Legislature that when appointing  
38 members to the youth council, the chairperson of the local  
39 workforce investment board and the local elected official  
40 appoint:

1 (a) Representatives of youth who are enrolled in school, and  
2 out of school youth.

3 (b) Representatives from the private sector.

4 (c) Representatives of local education agencies serving youth.

5 (d) Representatives of private nonprofit agencies serving  
6 youth.

7 (e) Representatives of apprenticeship training programs  
8 serving youth.

9 14210. The youth council shall do all of the following:

10 (a) Develop youth employment and training policy for eligible  
11 and noneligible youth in the local workforce investment area in  
12 collaboration with local educational entities, representatives of  
13 the private sector, and community-based organizations serving  
14 youth.

15 (b) Develop the portions of the local plan relating to youth.

16 (c) Make recommendations of eligible providers of youth  
17 activities for the purpose of the award of grants or contracts on a  
18 competitive basis by the local board to carry out youth activities.

19 (d) Leverage other youth program funds in the local area for  
20 the purpose of improving the effectiveness of local programs  
21 through collaborative planning, funding, and service delivery.

22 (e) Conduct oversight and coordination of youth activities in  
23 the local area.

24 (f) Ensure that youth program activities, including those  
25 provided by local educational entities, are connected to the  
26 one-stop delivery system.

27 (g) Ensure that youth program activities include training in  
28 nontraditional occupations for women and girls and  
29 preapprenticeship training.

## 30 Article 2. Local Workforce Investment Plan

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32  
33 14220. Each local board shall develop and submit to the  
34 Governor a comprehensive five-year local plan in partnership  
35 with the appropriate chief elected official. The plan shall be  
36 consistent with the state plan.

37 14221. The local plan shall include all of the following:

38 (a) A local labor market assessment which contains an  
39 identification of local and regional workforce investment needs,  
40 including vocational education, job training, and job placement

1 needs, of businesses, jobseekers, and workers in the local area,  
2 the current and projected employment opportunities in the local  
3 area, and the job skills necessary to obtain that employment. This  
4 assessment shall be used as the basis for all public sector  
5 workforce educational and training investments in the local area.

6 (b) A description of the local one-stop delivery system,  
7 including all of the following:

8 (1) A description of how the local board will ensure system  
9 integration that will improve services to local employers and  
10 jobseekers, a description of local funding sources and levels, and  
11 a description of how local partners are leveraging resources,  
12 reducing duplication, and providing continuous improvement and  
13 quality control.

14 (2) A copy of each memorandum of understanding between  
15 the local board and each of the one-stop partners concerning the  
16 operation of the one-stop delivery system in the local area.

17 (c) A description of the process used to ensure accessibility to  
18 all services to individuals with barriers to employment and to  
19 give priority for intensive and job training services to  
20 low-income individuals and public assistance recipients.

21 (d) A description of the local levels of performance negotiated  
22 with the Governor and chief elected official to be used to  
23 measure the performance of the local area and the performance of  
24 the local fiscal agent, eligible providers, and the one-stop  
25 delivery system in the local area. Performance standards shall not  
26 create disincentives for serving clients for whom it is more  
27 difficult to provide service.

28 (e) A description of the distribution of local administrative  
29 costs between local board operations and one-stop operations.

30 (f) A description and assessment of the type and availability of  
31 adult and dislocated worker employment and training activities in  
32 the local area.

33 (g) A description of how the local board will coordinate  
34 workforce investment activities carried out in the local area with  
35 statewide rapid response activities, as appropriate.

36 (h) A description of the local policy on individual training  
37 accounts.

38 (i) A description and assessment of the type and availability of  
39 youth activities in the local area, including an identification of  
40 successful providers of those activities.

(j) A description of the process used by the local board, consistent with subdivision (c), to provide an opportunity for public comment, including comment by representatives of businesses, labor organizations, and community-based organizations, and input into the development of the local plan, prior to submission of the plan.

(k) An identification of the entity responsible for the disbursement of funds under the Workforce Investment Act of 1998.

(l) A description of the competitive process to be used to award the grants and contracts in the local area for activities carried out under the Workforce Investment Act of 1998.

14222. The local board may submit a local unified plan that includes or integrates the local workforce investment plan and the following individual plans, activities, and programs:

(a) An instructional and job training plan required by Section 10200 of the Education Code.

(b) A plan for community college curriculum development or redesign required pursuant to Section 79202 of the Education Code.

(c) A county plan for CalWORKs required by Section 10531 of the Welfare and Institutions Code.

(d) A local welfare-to-work plan required by Section 5063, to the extent permitted under federal law.

14223. The local board shall make available copies of a proposed local plan, allow members of the local board and members of the public to submit comments on the proposed local plan to the local board not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available and submit the plan to the Governor along with any comments that were in disagreement with the plan.

### Article 3. One-Stop Career Center System

14230. (a) It is the intent of the Legislature that:

(1) California deliver comprehensive workforce preparation services to jobseekers, students, and employers through a system of one-stop career centers.

(2) Universal access to core services shall be available to residents regardless of income, education, employment barriers,

1 or other eligibility requirements. Core services shall include, but  
2 not be limited to:

3 (A) Outreach, intake, and orientation to services available  
4 through the one-stop delivery system.

5 (B) Initial assessment of skill levels, aptitudes, abilities, and  
6 supportive service needs.

7 (C) Job search and placement assistance.

8 (D) Career counseling, where appropriate.

9 (E) Provision of labor market information.

10 (F) Provision of program performance and cost information on  
11 eligible providers of training services and local area performance  
12 measures.

13 (G) Provision of information on supportive services in the  
14 local area.

15 (H) Provision of information on the filing of claims for  
16 unemployment compensation benefits and unemployment  
17 compensation disability benefits.

18 (I) Assistance in establishing eligibility for welfare-to-work  
19 activities pursuant to Section 11325.8 of the Welfare and  
20 Institutions Code, and financial aid assistance.

21 (3) State and federally funded workforce education, training,  
22 and employment programs shall be integrated in the one-stop  
23 delivery system to achieve universal access to the core services  
24 described in paragraph (2).

25 (4) Intensive services shall be provided to individuals who  
26 have completed at least one core service, have been unable to  
27 obtain employment, and who have been determined, by the  
28 one-stop operator, as being in need of more intensive services, or  
29 who are employed but in need of intensive services to obtain or  
30 retain employment to achieve self-sufficiency. Intensive services  
31 may include comprehensive and specialized assessments of skill  
32 levels and service needs, including learning disability screening,  
33 the development of individual employment plans, counseling,  
34 career planning, and short-term pre-vocational services to  
35 prepare an individual for training and employment.

36 (5) Training services shall be provided to individuals who  
37 have met the requirements for intensive services, have been  
38 unable to obtain or retain employment through these services,  
39 and who, after an interview, evaluation, or assessment, are  
40 determined to be in need of training, and have selected a program

1 of services directly linked to occupations in demand in the local  
2 or regional area. Training services may include:

3 (A) Occupational skill training including training for  
4 nontraditional employment.

5 (B) On-the-job training.

6 (C) Programs that combine workplace training with related  
7 instruction.

8 (D) Training programs operated by the private sector.

9 (E) Skill upgrading and retraining.

10 (F) Entrepreneurial training.

11 (G) Job readiness training.

12 (H) Adult education and literacy activities, including  
13 vocational English as a second language, provided in  
14 combination with subparagraphs (A) through (G), inclusive.

15 (I) Customized training conducted with a commitment by an  
16 employer or group of employers to employ an individual upon  
17 completion of the training.

18 (6) (A) Priority for intensive services and training services  
19 shall be given to recipients of public assistance and other low-  
20 income individuals.

21 (B) Preassessment services provided to CalWORKs  
22 participants, including appraisal, orientation, and job search shall  
23 count as core services.

24 (C) A CalWORKs participant's welfare-to-work plan shall  
25 meet the plan requirements to receive training services.

26 (b) Each local workforce investment board shall establish at  
27 least one full service one-stop career center in the workforce  
28 investment area. Each one-stop career center shall have all  
29 entities specified in Section 14231 as partners and shall provide  
30 jobseekers with employment, education, training, and integrated  
31 job search services, and employers with access to comprehensive  
32 career and labor market information, common automated intake  
33 and eligibility determinations, job placement, economic  
34 development assistance, and performance and program  
35 information on service providers.

36 (c) Each local board shall develop a process for identifying  
37 individuals who because of their skills or experience should be  
38 referred immediately to training services. This process, along  
39 with the methods for referral of individuals between the one-stop  
40 operators and the one-stop partners for appropriate services and



1 activities, shall be contained in a memorandum of understanding  
2 between the local board and the one-stop partners.

3 (d) In light of California's diverse population, each one-stop  
4 career center should have the capacity to provide the appropriate  
5 services to the full range of languages and cultures represented in  
6 the community served by the one-stop career center.

7 14231. (a) The local providers of the following programs or  
8 activities shall be required partners in the local one-stop system:

9 (1) Programs authorized under Title I of the Workforce  
10 Investment Act of 1998.

11 (2) Programs authorized under the Wagner-Peyser Act (29  
12 U.S.C. Sec. 49 et seq.).

13 (3) Adult education and literacy activities authorized under  
14 Title II of the Workforce Investment Act of 1998.

15 (4) Programs authorized under Title I of the Rehabilitation Act  
16 of 1973 (29 U.S.C. Sec. 720 et seq.).

17 (5) Programs authorized under Section 403(a)(5) of the Social  
18 Security Act (42 U.S.C. Sec. 603(a)(5) as added by Section 5001  
19 of the Balanced Budget Act of 1997).

20 (6) Activities authorized under Title V of the Older Americans  
21 Act of 1965 (42 U.S.C. Sec. 3056 et seq.).

22 (7) Postsecondary vocational education activities authorized  
23 under the Carl D. Perkins Vocational and Applied Technology  
24 Education Act (20 U.S.C. Sec. 2301 et seq.), including  
25 community colleges and regional occupation centers and  
26 programs.

27 (8) Activities authorized under Chapter 2 of Title II of the  
28 Trade Act of 1974 (19 U.S.C. Sec. 2271 et seq.).

29 (9) Activities authorized under Chapter 41 (commencing with  
30 Section 4100) of Title 38 of the United States Code.

31 (10) Employment and training activities carried out under the  
32 Community Services Block Grant Act (42 U.S.C. Sec. 9901 et  
33 seq.).

34 (11) Employment and training activities carried out by the  
35 Department of Housing and Urban Development.

36 (12) Programs authorized by this code, in accordance with  
37 applicable federal law.

38 (13) Workforce investment activities provided by the county  
39 welfare departments.

1 (14) mall business development centers, as defined in Section  
2 15382 of the Government Code, where they exist.

3 (b) Community-based organizations that provide intensive  
4 services as described in paragraph (4) of subdivision (a) of  
5 Section 14230, shall be encouraged to be one-stop partners.

6 14232. The local board, with the agreement of the chief  
7 elected official for the local area, shall develop and enter into a  
8 memorandum of understanding with the local onestop partners,  
9 designate or certify one-stop operators, and conduct oversight  
10 over the local one-stop delivery system.

11 14233. One-stop career center operators shall recognize and  
12 comply with applicable labor agreements affecting employees of  
13 one-stop career centers, including the right to access by labor  
14 representatives pursuant to the Ralph C. Dills Act (Chapter 10.3  
15 (commencing with Section 3512) of Division 4 of Title 1 of the  
16 Government Code).

17 14234. In order to avoid a conflict of interest, operators of  
18 one-stop career centers that issue vouchers shall not be the  
19 recipient of vouchers issued by their center without the approval  
20 of the chief local elected official and the state board in instances  
21 when there are no other potential one-stop partners in the local  
22 area.

23 14235. To the full extent permitted by federal law, the  
24 Employment Development Department shall utilize its  
25 Wagner-Peyser funded activities and programs to support local  
26 one-stop career centers.

27 14236. It is the intent of the Legislature that the redirection of  
28 state and federal funds to support one-stop career centers should  
29 not result in the loss of employment for state employees,  
30 including, but not limited to, the loss of employment by  
31 displacement or privatization of state functions. State employees  
32 performing services at one-stop career centers shall retain  
33 existing civil service and collective bargaining protections on  
34 matters relating to employment, including, but not limited to,  
35 hiring, firing, promotion, discipline, and grievance procedures.  
36 State employees who are located at one-stop career centers shall  
37 remain under the supervision of their employing department for  
38 the purposes of performance evaluation, and other matters related  
39 to civil service rights and responsibilities. If work-related issues  
40 arise at one-stop centers between state employees and operators,

1 supervisors, or other partners, the operator or supervisor, as  
2 applicable, shall defer all actions to the civil service supervisor.

3 SEC. 6. Chapter 5 (commencing with Section 14500) is added  
4 to Division 7 of the Unemployment Insurance Code, to read:

5  
6 CHAPTER 5. EDUCATIONAL SERVICES  
7

8 14500. (a) Notwithstanding any other provision of law, when  
9 a person using his or her Workforce Investment Act individual  
10 training account enrolls in an adult education program, a  
11 noncredit curricula program at a community college, or a  
12 regional occupation center or program, for which state funds are  
13 allocated, all of the following shall apply:

14 (1) The entities administering the program may use Workforce  
15 Investment Act individual training account funds only to increase  
16 the number of hours of services provided above their adult block  
17 entitlement pursuant to Section 52616 of the Education Code and  
18 funding limit for regional operational center programs for the  
19 purpose of enhancing services already supported with state funds.  
20 Any state funds provided to these entities above their adult block  
21 entitlements and funding limit for regional operational center  
22 programs shall be subject to an appropriation in the annual  
23 Budget Act.

24 (2) Any state funds allocated to the entity administering the  
25 program shall not be offset with the Workforce Investment Act  
26 individual training account funds.

27 (3) The entity administering the program shall use the  
28 Workforce Investment Act individual training account funds  
29 received for the program.

30 (b) The board may authorize local boards to reserve a  
31 specified number of Workforce Investment Act individual  
32 training accounts for the purpose of enhancing services already  
33 supported with state funds. In these cases, Workforce Investment  
34 Act individual training account funds may supplement state  
35 funds for any of the following types of programs:

36 (1) Programs with small class sizes or other features that  
37 improve instruction.

38 (2) Programs specifically designed for hard-to-service adults,  
39 including, but not limited to, adults with learning differences.

40 (3) High-cost training programs.

(4) Any other type of program that the local board believes merits the use of WIA individual training account funds to supplement state funds.

14510. To the extent permitted by federal law, school districts and county offices of education are eligible to apply to local youth councils to provide basic skills training and skills necessary for attaining a secondary school diploma.

14520. It is the intent of the Legislature that state and local performance measures for youth be aligned with indicators used to assess student performance in meeting statewide content and performance standards pursuant to Sections 60605, 60641, 60810, and 60811 of the Education Code. Indicators used to measure attainment of basic skills for youth 14 to 18 years of age may include the tools used by school districts to assess student progress in meeting statewide content and performance standards pursuant to Sections 60605, 60641, 60810, and 60811 of the Education Code.

14530. It is the intent of the Legislature that a portion of the funding reserved for youth activities be utilized to improve the academic skills of low-achieving youth, including those at risk of not passing the high school exit examination required by Section 60850 of the Education Code, and for school dropout prevention activities. To the extent permissible under federal law, the Governor may set aside a portion of the youth funding specifically for programs to improve the academic skills of low-achieving youth, including those at risk of not passing the high school exit examination required by Section 60850 of the Education Code, and for dropout prevention activities.

SEC. 7. Chapter 6 (commencing with Section 14600) is added to Division 7 of the Unemployment Insurance Code, to read:

#### CHAPTER 6. WORKFORCE DATA AND INFORMATION

14600. It is the intent of the Legislature to establish a coordinated system for economic and workforce data collection, analysis, and dissemination that does all of the following:

(a) Develops indicators for continuous monitoring and describing of the state's economy at the local, regional, and state levels.

1 (b) Supports local workforce investment boards, local  
2 governments, public sector entities, research institutes, nonprofit  
3 organizations, community groups, and individuals in assessing  
4 and developing their human, institutional, and physical resources  
5 for achieving community prosperity by maintaining a regional  
6 competitive advantage in domestic and global marketplaces.

7 (c) Meets the state employment statistics requirements of  
8 Section 49(l)-2 of Title 29 of the United States Code.

9 14610. It is further the intent of the Legislature that the goal  
10 of the information system and products disseminated thereunder  
11 shall be to provide information linking economic development  
12 activities to workforce preparation and to provide customers of  
13 the workforce system with tools that do all of the following:

14  
15 (a) Provide user-friendly electronic systems like geographic  
16 information technologies, and other formats to display data.

17 (b) Utilize various communications media, such as the  
18 Internet, to enable all consumers with varying technical abilities  
19 and special needs to access and use that data.

20 (c) Permit customers to combine this data with other data sets  
21 to describe and understand the complex geographic interaction  
22 between business, labor, and education and other community  
23 needs that impact workforce and job development.

24 (4) Facilitate research, description, analysis, and display of  
25 important trends, such as emerging industries and changing  
26 occupations, skills, and workforce requirements demanded by the  
27 new economy.

28 14620. There shall be the Office of California Workforce and  
29 Economic Information within the Labor and Workforce  
30 Development Agency and reporting directly to the secretary of  
31 that agency for the purpose of ensuring a development and  
32 maintenance of a coordinated system for economic and  
33 workforce data collection, analysis, and dissemination that  
34 accomplishes the following:

35 (a) Develops indicators for continuous monitoring and  
36 describing of the state's economy at the local, regional, and state  
37 levels in a manner that permits customers to understand the  
38 complex geographic interaction between business, labor, and  
39 education and other community needs that impact workforce and  
40 job development.

1 (b) Collects data and assesses the performance of state and  
2 federal workforce preparation programs.

3 (c) Facilitates research, analysis, and display of important  
4 trends, such as emerging industries and changing occupations,  
5 skills, and workforce requirements.

6 (d) Meets the state employment statistics requirements of the  
7 Workforce Investment Act of 1998.

8 SEC. 8. Division 8 (commencing with Section 15000) of the  
9 Unemployment Insurance Code is repealed.

10 SEC. 9. If the Commission on State Mandates determines that  
11 this act contains costs mandated by the state, reimbursement to  
12 local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.